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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,954	10/14/2005	Gary Davidson	AAIRB.0102US	6879
22858 7590 04/16/2007 CARSTENS & CAHOON, LLP P O BOX 802334 DALLAS, TX 75380			EXAMINER NGUYEN, HUY D	
			ART UNIT 2617	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/552,954

Applicant(s)

DAVIDSON ET AL.

Examiner

Huy D. Nguyen

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/14/2007 have been fully considered but they are not persuasive.

In the remarks, the applicant submitted that Loder doesn't teach tracking a balance of available time units. The examiner responds that Loder teaches tracking and adjusting a balance of available funds on a SIM card (see col. 3, lines 26-34). It's inherent that to adjust the balance of available funds, the time units have to be tracked.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 7, 9-14, 17, 19-24, 27, 29, 31-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Loder (U.S. Patent No. 5,748,720).

Regarding claims 1, 11, 21, 29, 31, 32, Loder teaches a mobile unit comprising memory and a storage medium, wherein the storage medium includes computer program code configured to perform the steps: retrieving from memory (e.g., SIM) an available amount of time that the mobile unit is authorized to utilize wireless services with the mobile unit (e.g., an ability to hold a record of amount of funds prepaid for at the point of the sale is incorporated within a subscriber identity module, SIM – see column 3, lines 26-28); allowing the mobile unit to utilize wireless

Art Unit: 2617

services for a first time period, the first time period being less than or equal to the available amount; and deducting the first time period from the available amount (e.g., this payment record will progressively decrease as services of the network are used according to tariff rate which is either preprogrammed into the SIM or sent by the network – see column 3, lines 31-34).

Regarding claims 2, 12, 22, Loder teaches the mobile unit of claim 1, wherein the storage medium is a subscriber interface module (SIM) card (see column 3, lines 26-28).

Regarding claims 3, 13, 23, Loder teaches the mobile unit of claim 1, wherein the memory is a subscriber interface module (SIM) card (see column 3, lines 26-28).

Regarding claims 4, 14, 24, Loder teaches the mobile unit of claim 1, wherein the mobile unit utilizes the wireless services via GSM, CDMA, TDMA, or GPRS communications protocol (see column 4, lines 40-41).

Regarding claims 7, 17, 27, Loder teaches the mobile unit of claim 1, wherein the computer program code is further configured to provide a notification to the user when the available amount of time reaches one or more thresholds (see column 3, lines 33-34).

Regarding claims 9, 19, Loder teaches the mobile unit of claim 1, wherein the wireless services include receiving an incoming call (see column 3, lines 37-38).

Regarding claims 10, 20, Loder teaches the mobile unit of claim 1, wherein the wireless services include placing an outgoing call (see column 3, lines 37-38).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2617

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 15, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loder in view of Doran et al. (US 2006/0069642 A1).

Regarding claims 5, 15, 25, Loder teaches the claimed invention except to receive an indication that a user has prepaid for a second amount of time and adding the second amount of time to the available amount of time. However, the preceding limitation is taught in Doran et al. (see paragraph [0035]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Doran et al. to the teaching of Loder for providing or reloading prepaid cash cards, phone cards.

6. Claims 6, 16, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loder in view of Doran et al. (US 2006/0069642 A1) and in further view of Laybourn et al. (US 2003/0008634 A1).

Regarding claims 6, 16, 26, Loder and Doran et al. teaches the claimed invention except the use of SMS. However, the preceding limitation is taught in Laybourn et al. (see the abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Laybourn et al. to the teaching of Loder and Doran et al. so that the provider can use SMS messages to update the device's memory to include an alternative tariff or rate table.

7. Claims 8, 18, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loder

Art Unit: 2617

Regarding claims 8, 18, 28, Loder teaches the claimed invention except that the notification comprises an audio tone or a text message. However, it would have been an obvious matter of design choice to have the notification being an audio tone or a text message since the invention would perform equally well with the notification being either an audio tone or a text message.

8. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Loder in view of Laybourn et al. (US 2003/0008634 A1).

Regarding claim 30, Loder and Doran et al. teaches the claimed invention except the use of SMS. However, the preceding limitation is taught in Laybourn et al. (see the abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Laybourn et al. to the teaching of Loder so that the provider can use SMS messages to update the device's memory to include an alternative tariff or rate table.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37


Art Unit: 2617

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Nguyen whose telephone number is 571-272-7845. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Huy D Nguyen
Patent Examiner
Art Unit 2617


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER